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10/056,887	01/25/2002	Vincent E. DeGiulio	33836.00.0002	2876
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BURGESS, BARBARA N				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/056,887

Applicant(s)

DEGIULIO ET AL.

Examiner

BARBARA N. BURGESS

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 9, 10, 12, 13, 30-34, 62-65 and 70-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 9, 10, 12, 13, 30-34, 62-65 and 70-77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to Request for Continuation Examination (RCE) filed December 26, 2007. Claims 5, 7-8, 11, 14-16, 35-41, 66-69 have been cancelled and claims 17-29 and 42-61 are withdrawn as requested by Applicant. Claims 1-4, 6, 9-10, 12-13, 30-34, 62-65, 70-77 are presented for further examination.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 62-65, 70-73 recites the limitations "the *system* of claim 1" and "the *system* of claim 9". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6, 9-10, 12-13, 30-34, 62-65, 70-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott (US Patent 6,509,830 B1) in view of Durbin et al. (hereinafter "Durbin", US Patent Application Publication 2002/0091501 A1).

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As per claim 1, Elliott discloses an apparatus for tracking a plurality of containers, wherein the apparatus is coupled to a status tracking structure that provides event information regarding at least a portion of the plurality of containers, the apparatus comprising:

- An event table for storing the event information (column 4, lines 55-67, column 5, column 6, lines 35-67, column 7, lines 1-30);
- A rule execution component, constituting at least a portion of a centralized tracking manager and coupled to the event table, that processes the event information in accordance with at least one rule, wherein the at least one rule tests for non-optimal use of at least one object of the plurality of objects (column 2, lines 1-10, column 10, lines 5-15, 32-49);
- A configuration engine component, also constituting at least a portion of the centralized tracking manager and coupled to the rule execution component, that periodically causes the rule execution component to process the event information in accordance with at least a portion of the at least one rule (column 5, lines 40-61, column 6, lines 50-67, column 9, lines 50-67, column 10, lines 16-47, 50-55, column 11, lines 1-14, 20-35).

Elliott does not explicitly disclose:

- Use of at least one container of the plurality of containers based on the event information and one or more degree of use characteristics of the at least one container;

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- Periodically causes the rule execution component, without regard to receipt of the event information, to process the event information in accordance with at least a portion of the at least one rule.

However, in an analogous, Durbin teaches remotely monitoring a network of waste containers. Durbin further teaches polling for conditions in which alarms are to be triggered. Pollings can take place in predetermined intervals set by the user (Abstract, paragraphs [0016-0017, 0042, 0046, 0050-0051]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Durbin's containers in Elliott's architecture providing reports on containers indicating full and non-full containers.

As per claim 2, Elliott discloses the apparatus of claim 1, further comprising: a configuration engine component, coupled to the rule execution component, that periodically causes the rule execution component to process the event information in accordance with some of the at least one rule (column 10, lines 5-15).

As per claims 3, 12, Elliott discloses the apparatus of claims 1 and 9, wherein the event information comprises location information (column 2, lines 26-28, column 5, lines 40-45).

Elliott does not explicitly disclose location information corresponding to the plurality of containers.

However, in an analogous, Durbin teaches remotely monitoring a network of waste containers. Durbin further teaches polling for conditions in which alarms are to be triggered. Pollings can take place in predetermined intervals set by the user (Abstract, paragraphs [0016-0017, 0042, 0046, 0050-0051]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Durbin's containers in Elliott's architecture providing reports on containers indicating full and non-full containers.

As per claims 4, 13, Elliott discloses the apparatus of claims 1 and 9, wherein the event information comprises environmental information (column 2, lines 26-28).

Elliott does not explicitly disclose environmental information corresponding to the plurality of containers.

However, in an analogous art, Durbin teaches remotely monitoring a network of waste containers. Durbin further teaches polling for conditions in which alarms are to be triggered. Pollings can take place in predetermined intervals set by the user (Abstract, paragraphs [0016-0017, 0042, 0046, 0050-0051]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Durbin's containers in Elliott's architecture providing reports on containers indicating full and non-full containers.

As per claim 6, Elliott discloses the apparatus of claim 1, wherein the at least one rule comprises at least two rules, and wherein configuration engine component associates at

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least two execution frequencies with the at least two rules such that a portion of the at least two rules is executed with a frequency different from other rules of the at least two rules (column 10, lines 30-49).

As per claim 9, Elliott discloses an apparatus for tracking a plurality of containers, wherein the apparatus is coupled to a status tracking structure that provides event information regarding at least a portion of the plurality of containers, the apparatus comprising:

- An event table for storing the event information (column 4, lines 55-67, column 5, column 6, lines 35-67, column 7, lines 1-30);
- A rule storage component (column 4, lines 64-67, column 5);
- A rule execution component, constituting at least a portion of a centralized tracking manager and coupled to the event table and the rule storage component, that processes the event information in accordance with at least one rule stored in the rule storage component, and wherein the rule storage component permits modification of any of the at least one rule independent of the rule execution component, wherein the at least one rule tests for non-optimal use (column 6, lines 35-67, column 8, lines 15-40, column 10, lines 30-49);
- A configuration engine component, also constituting at least a portion of the centralized tracking manager and coupled to the rule execution component, that periodically causes the rule execution component to process the event information in accordance with at least a portion of the at least one rule (column 5, lines 40-61,

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column 6, lines 50-67, column 9, lines 50-67, column 10, lines 16-47, 50-55, column 11, lines 1-14, 20-35).

Elliott does not explicitly disclose:

- Use of at least one container of the plurality of containers based on the event information and one or more degree of use characteristics of the at least one container,;
- Periodically causes the rule execution component, without regard to receipt of the event information, to process the event information in accordance with at least a portion of the at least one rule.

However, in an analogous, Durbin teaches remotely monitoring a network of waste containers. Durbin further teaches polling for conditions in which alarms are to be triggered. Pollings can take place in predetermined intervals set by the user (Abstract, paragraphs [0016-0017, 0042, 0046, 0050-0051]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Durbin's containers in Elliott's architecture providing reports on containers indicating full and non-full containers.

As per claim 10, Elliott discloses the apparatus of claim 9, further comprising: an event engine component, coupled to the status tracking structure and the event table, that receives the event information, stores the event information in the event table

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and, in response, causes the rule execution component to process the event information in accordance with at least one immediate rule of the at least one rule (column 9, lines 57-67, column 10, lines 16-47).

As per claim 30, Elliott discloses in a system for tracking a plurality of containers comprising a tracking manager coupled to a status tracking structure that provides event information regarding at least a portion of the plurality of containers, a method in the tracking manager comprising:

- Receiving the event information (column 7, lines 7-30, column 9, lines 57-65, column 10, lines 1-15);
- Processing the event information in accordance with rules of at least one rule, wherein the at least one rule tests for non-optimal use (column 10, lines 30-49, column 11, lines 4-15).

Elliott does not explicitly disclose:

- Use of at least one container of the plurality of containers based on the event information;
- Processing the event information in accordance with rules of at least one rule that are periodically evaluated regardless of receipt of the event information.

However, in an analogous, Durbin teaches remotely monitoring a network of waste containers. Durbin further teaches polling for conditions in which alarms are to be triggered. Pollings can take place in predetermined intervals set by the user (Abstract, paragraphs [0016-0017, 0042, 0046, 0050-0051]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Durbin's containers in Elliott's architecture providing reports on containers indicating full and non-full containers.

As per claim 31, Elliott discloses the method of claim 30, wherein processing of the event information further comprises processing the event information in accordance with periodic rules of the at least one rule (column 5, lines 63-67, column 6, lines 1-5).

Elliott does not explicitly disclose:

- Processing the event information in accordance with rules of at least one rule that are periodically evaluated regardless of receipt of the event information.

However, in an analogous, Durbin teaches remotely monitoring a network of waste containers. Durbin further teaches polling for conditions in which alarms are to be triggered. Pollings can take place in predetermined intervals set by the user (Abstract, paragraphs [0016-0017, 0042, 0046, 0050-0051]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Durbin's containers in Elliott's architecture providing reports on containers indicating full and non-full containers.

As per claim 32, Elliott discloses the method of claim 30 wherein the event information comprises location information (column 2, lines 26-28, column 5, lines 40-45).

Elliott does not explicitly disclose location information corresponding to the plurality of containers.

However, in an analogous, Durbin teaches remotely monitoring a network of waste containers. Durbin further teaches polling for conditions in which alarms are to be triggered. Pollings can take place in predetermined intervals set by the user (Abstract, paragraphs [0016-0017, 0042, 0046, 0050-0051]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Durbin's containers in Elliott's architecture providing reports on containers indicating full and non-full containers.

As per claim 33, Elliott discloses the method of claim 30 wherein the event information comprises environmental information (column 2, lines 26-28).

Elliott does not explicitly disclose environmental information corresponding to the plurality of containers.

However, in an analogous, Durbin teaches remotely monitoring a network of waste containers. Durbin further teaches polling for conditions in which alarms are to be triggered. Pollings can take place in predetermined intervals set by the user (Abstract, paragraphs [0016-0017, 0042, 0046, 0050-0051]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Durbin's containers in Elliott's architecture providing reports on containers indicating full and non-full containers.

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As per claim 34, Elliott discloses a computer-readable medium having computer-executable instructions stored thereon for performing the method of claim 30 (column 3, lines 35-67).

As per claims 62, Elliott does not explicitly disclose the system of claim 1, wherein the at least one rule determines whether at least one empty container of the plurality of containers has been allowed to sit for greater than a period of time.

However, in an analogous, Durbin teaches remotely monitoring a network of waste containers. Durbin further teaches polling for conditions in which alarms are to be triggered. Pollings can take place in predetermined intervals set by the user (Abstract, paragraphs [0016-0017, 0042, 0046, 0050-0051]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Durbin's containers in Elliott's architecture providing reports on containers indicating full and non-full containers.

As per claims 63, 71, Elliott does not explicitly disclose the system of claims 1, 9, wherein the at least one rule determines whether at least two partially-full containers of the plurality of containers have been dispatched to a destination within a period of time.

However, in an analogous, Durbin teaches remotely monitoring a network of waste containers. Durbin further teaches polling for conditions in which alarms are to be

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triggered. Pollings can take place in predetermined intervals set by the user (Abstract, paragraphs [0016-0017, 0042, 0046, 0050-0051]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Durbin's containers in Elliott's architecture providing reports on containers indicating full and non-full containers.

As per claims 64, 72, Elliott does not explicitly disclose the system of claims 1, 9, wherein the at least one rule determines whether a given container of the plurality of containers is less than half full prior to loading of the container on a vehicle.

However, in an analogous, Durbin teaches remotely monitoring a network of waste containers. Durbin further teaches polling for conditions in which alarms are to be triggered. Pollings can take place in predetermined intervals set by the user (Abstract, paragraphs [0016-0017, 0042, 0046, 0050-0051]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Durbin's containers in Elliott's architecture providing reports on containers indicating full and non-full containers.

As per claims 65, 73, Elliott does not explicitly disclose the system of claim 1, wherein the at least one rule determines whether two containers of the plurality of containers are less than ninety percent full when combined.

However, in an analogous, Durbin teaches remotely monitoring a network of waste containers. Durbin further teaches polling for conditions in which alarms are to be triggered. Pollings can take place in predetermined intervals set by the user (Abstract, paragraphs [0016-0017, 0042, 0046, 0050-0051]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Durbin's containers in Elliott's architecture providing reports on containers indicating full and non-full containers.

As per claim 74, Elliott does not explicitly disclose the method of claim 30, wherein the at least one rule determines whether at least one empty container of the plurality of containers has been allowed to sit for greater than a period of time.

However, in an analogous, Durbin teaches remotely monitoring a network of waste containers. Durbin further teaches polling for conditions in which alarms are to be triggered. Pollings can take place in predetermined intervals set by the user (Abstract, paragraphs [0016-0017, 0042, 0046, 0050-0051]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Durbin's containers in Elliott's architecture providing reports on containers indicating full and non-full containers.

As per claim 75, Elliott does not explicitly disclose the method of claim 30, wherein the at least one rule determines whether at least two partially-full containers of the plurality of containers have been dispatched to a destination within a period of time.

However, in an analogous, Durbin teaches remotely monitoring a network of waste containers. Durbin further teaches polling for conditions in which alarms are to be triggered. Pollings can take place in predetermined intervals set by the user (Abstract, paragraphs [0016-0017, 0042, 0046, 0050-0051]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Durbin's containers in Elliott's architecture providing reports on containers indicating full and non-full containers.

As per claim 76, Elliott does not explicitly disclose the method of claim 30, wherein the at least one rule determines whether a given container of the plurality of containers is less than half full prior to loading of the given container on a vehicle.

However, in an analogous, Durbin teaches remotely monitoring a network of waste containers. Durbin further teaches polling for conditions in which alarms are to be triggered. Pollings can take place in predetermined intervals set by the user (Abstract, paragraphs [0016-0017, 0042, 0046, 0050-0051]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Durbin's containers in Elliott's architecture providing reports on containers indicating full and non-full containers.

As per claim 77, Elliott does not explicitly disclose the method of claim 30, wherein the at least one rule determines whether two containers of the plurality of containers are less than ninety percent full when combined.

However, in an analogous, Durbin teaches remotely monitoring a network of waste containers. Durbin further teaches polling for conditions in which alarms are to be triggered. Pollings can take place in predetermined intervals set by the user (Abstract, paragraphs [0016-0017, 0042, 0046, 0050-0051]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Durbin's containers in Elliott's architecture providing reports on containers indicating full and non-full containers.

Response to Arguments

3. Applicant's argument(s) have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BARBARA N. BURGESS whose telephone number is (571)272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Barbara N Burgess/
Examiner, Art Unit 2157

Barbara N Burgess
Examiner
Art Unit 2157

March 25, 2008

/Ario Etienne/

Supervisory Patent Examiner, Art Unit 2157